

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 56th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** By **VICE CHAIRMAN DAN MCGEE**, on March 19, 1999 at 8:00 A.M., in Room 312 - 1 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Dan McGee, Vice Chairman (R)  
Rep. Diana Wyatt, Vice Chairman (D)  
Rep. Chris Ahner (R)  
Rep. Shiell Anderson (R)  
Rep. Paul Clark (D)  
Rep. Aubyn A. Curtiss (R)  
Rep. Bill Eggers (D)  
Rep. Tom Facey (D)  
Rep. Steven Gallus (D)  
Rep. Gail Gutsche (D)  
Rep. Joan Hurdle (D)  
Rep. Rick Jore (R)  
Rep. Sam Kitzenberg (R)  
Rep. Brad Molnar (R)  
Rep. Mark Noennig (R)  
Rep. Jim Shockley (R)  
Rep. Loren Soft (R)  
Rep. Carol Williams (D)  
Rep. Cindy Younkin (R)

**Members Excused:** Rep. Robert C. Clark, Chairman (R)

**Members Absent:** None.

**Staff Present:** John MacMaster, Legislative Branch  
Pam Schindler, Committee Secretary

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: SB 473, SB 505, 3/15/1999

Executive Action: SB 33 & SB 320-Tabled; SB 306-  
Be Concurred in as Amended, SB  
179-Be Concurred In

**HEARING ON SB 473**

**Sponsor:**

Senator Doherty presented SB 473.

*{Tape : 1; Side : A; Approx. Time Counter : 39 - 70}*

**Proponents:**

Christine Juras, Attorney

*{Tape : 1; Side : A; Approx. Time Counter : 70 - 107}*

David Dennis, Geico Company

*{Tape : 1; Side : A; Approx. Time Counter : 107 - 119}*

John Cadby, Montana Independent Bankers

*{Tape : 1; Side : A; Approx. Time Counter : 119 - 126}*

**Opponents:**

None

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

*{Tape : 1; Side : A; Approx. Time Counter : 126 - 265}*

**Closing by Sponsor:**

Senator Doherty made closing statements.

*{Tape : 1; Side : A; Approx. Time Counter : 215 - 284}*

**HEARING ON SB 505**

**Sponsor:**

Senator Grimes presented SB 505.

*{Tape : 1; Side : A; Approx. Time Counter : 284 - 343}*

**Proponents:**

Kathy Coles, Advocate for Victims of Domestic Violence

*{Tape : 1; Side : A; Approx. Time Counter : 343 - 384}*

**EXHIBIT** (juh62a0

1)

**EXHIBIT** (juh62a0

2)

Betty Waddell, Montana Association of Churches

{Tape : 1; Side : A; Approx. Time Counter : 384 - 407}

Sharon Hoff, Montana Catholic Conference

{Tape : 1; Side : A; Approx. Time Counter : 407 - 420}

Ward Shanahan, State Bar

{Tape : 1; Side : A; Approx. Time Counter : 420 - 426}

Miriam Luse, Attorney

{Tape : 1; Side : A; Approx. Time Counter : 426 - 453}

Penny McPherson, Victim's Advocate

{Tape : 1; Side : A; Approx. Time Counter : 453 - 550}

Matt Dale, Friendship Center

{Tape : 1; Side : B; Approx. Time Counter : 0 - 18}

Neil Haight, Attorney

{Tape : 1; Side : B; Approx. Time Counter : 18 - 45}

**EXHIBIT** (juh62a0

3)

Opponents:

Jeff Koch, Montana Collector's Association

{Tape : 1; Side : B; Approx. Time Counter : 45 - 111}

Informational Testimony:

None

Questions from Committee Members and Responses:

{Tape : 1; Side : B; Approx. Time Counter : 111 - 428}

Closing by Sponsor:

Senator Grimes made closing statements.

{Tape : 1; Side : B; Approx. Time Counter : 428 - 550}

EXECUTIVE ACTION ON SB 33

Motion: REP. CURTISS moved that SB 33 BE CONCURRED IN.

Discussion: After much discussion, ( 3 pages worth of notes)  
(2 tapes) **Vote** taken: 10-10 with Rep. Wyatt, P. Clark, Eggers,  
Facey, Gutsche, Hurdle, Kitzenberg, Noennig, Soft and Williams  
voting no. Reversed vote and **TABLED** SB 33.

*{Tape : 2; Side : A; Approx. Time Counter : 0 - 550}*

*{Tape : 2; Side : B; Approx. Time Counter : 0 - 550}*

EXECUTIVE ACTION ON SB 179

Motion/Vote: REP. WYATT moved that SB 179 BE CONCURRED IN.

Motion carried 17-3 with Hurdle, Jore, and McGee voting no.

*{Tape : 3; Side : A; Approx. Time Counter : 0 - 49}*

EXECUTIVE ACTION ON SB 306

Motion: REP. CURTISS moved that SB 306 BE CONCURRED IN.

Motion/Vote: REP. ANDERSON moved that SB 306 BE AMENDED. Motion carried 18-2 with Curtiss and Younkin voting no.

Motion: REP. ANDERSON moved that SB 306 BE CONCURRED IN AS AMENDED.

Motion/Vote: REP. CURTISS moved that SB 306 BE AMENDED. Motion failed 5-15.

Motion/Vote: REP. ANDERSON moved that SB 306 BE CONCURRED IN AS AMENDED. Motion carried 14-6 with Curtiss, Jore, Molnar, Noennig, Soft, and Younkin voting no.

*{Tape : 3; Side : A; Approx. Time Counter : 49 - 303}*

EXECUTIVE ACTION ON SB 320

Motion: REP. YOUNKIN moved that SB 320 BE CONCURRED IN.

Motion/Vote: REP. ANDERSON moved that SB 320 BE AMENDED. Motion carried 15-5 with Gallus, Gutsche, Hurdle, Williams, and Wyatt voting no.

Motion: REP. CLARK moved that SB 320 BE CONCURRED IN AS AMENDED.

Motion: REP. ANDERSON moved that SB 320 BE AMENDED.

Substitute Motion/Vote: REP. MOLNAR made a substitute motion SB 320. Substitute motion carried 15-5 with Anderson, Curtiss, Kitzenberg, Shockley, and Younkin voting no.

Motion: REP. GALLUS moved that SB 320 BE CONCURRED IN AS AMENDED.

Motion: REP. EGGERS moved that SB 320 BE AMENDED.

Motion/Vote: REP. NOENNIG moved that SB 320 BE TABLED. Motion carried 19-1 with Shockley voting no.

Meeting adjourned.

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**ADJOURNMENT**

Adjournment: 11:39 A.M.

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REP. ROBERT C. CLARK, Chairman

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PAM SCHINDLER, Secretary

RC/PS

**EXHIBIT** (juh62aad)